App F IX 4

Previous References 1944 Municipal File No 98-44

Serial Nos 26,29,30

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos for wire

Part B for April 45

SUBJECT

Grant of remission of Mohatafa Tax due by Mamsya 17-45 from Messrs Haji Md. Issa Sait & Hajee Tajal Abdulla Karim Sait

Dy Collector Mamsya

Comptroller

L 9910-1 dated 4-4-45 cancelling

L 9912-3 dated 4-4-45 cancelling.

24/4

5339 5395
I II

I Letter No AS-C 1615/44 dt 8 2 45 from the DC Nandya Dist Requesting Sanction to Remit a Sum of Rs 160/- due to the Nandya ND from messrs Haya Nd Essa Sait of Mysore

II Letter No AS C 1614/44-45 dt 9 8 45 from the DC Nandya Dist Requesting Sanction to Remit a Sum of Rs 160/- due from Mr. Haya Yaqub Abdulla Karim Sait of Mysore to the Nandya ndcl

In I of the above letters, a copy of the ~~proforma~~ ~~copy of the~~ decree ~~is~~ enclosed But the Case No cited in the Covering letter does not tally with the number quoted in the enclosure

Coming to II of the above letters, both a copy of the proforma & a copy of the decree are enclosed Herein, the Case No. quoted in the Covering letter is not the same as the one in the enclosure

The decree sent along with I letter is given ~~over~~ the Signature of Mr B Rangamma Subordinate Judge, Mysore

Both the proforma & the decree enclosed to the letter are given over the Signature of Mr L Venkatramana 44a, Additional Subordinate Judge, Mysore

The Subject-matter of both the Receipts seems to be identical, viz, Remitting a Sum of Rs 160/- due to the Nandya ndcl from Messrs

5339 5395

Santiago Nyasa

A draft letter returning the receipts to the Governments of the respective countries in connection with the discrepancies in numbers of Receipts

Suggest. Ltr - Pl

Subject to draft appears OK all right

L 8754 Dg 2345 — 28 Feb Norfolk

28 FEB 1945
CEN & REV SECTT

Ltr 2/3 Letter No AS 1615/Ltr Dg 9345 from

Messrs Hajee Khayab Abdul Kareem and Co, Merchants, Santhepet, Mysore, by its partner by Latheef Sait, Santhepet Mysore, sued the Town in the Court of the Munsiff of Nanjangud Municipal Council, Nanjya, in connection with the recovery of rents received & sold by the MC for the arrears of Nobatarya Shop tax ~~due from the MC landlord~~ and obtained a decree in their favour on 6-7-1940.

The MC preferred an appeal to the Dist Court, Mysore, where the decree of the lower court was confirmed & the appeal dismissed for the following reasons on 9-2-'43 —

1) that the transactions carried on by the plaintiff did not amount to carrying on trade within the jurisdiction of the Nanjya Town by the Company as a whole sale merchants with head-quarters at Mysore they sent their goods to their branch at Nanjya for being distributed among their customers

2) that the accounts are maintained at the Head Office, Mysore. Though the bargains are struck sometimes concluded at Nanjya

3) that the Bye-laws framed under the GO dt regulation of 5-4-1915 when the MC was only a municipality are no longer in force to justify a levy of Shop tax under them. New bye-laws should be framed by observing all the preliminaries & then tax levied & collected

4) that the formalities like demand notices etc in the process of recovery of the tax have not been observed by the Nanjya Town MC

Earlier Mr. Hajee Essa Saut, Merchant sued the Nanjya Inam Mcl in the Court of Nanjya for the recovery of the goods taken by the Mcl in the process of distraint and obtained a decree in his favour on 23-12-40

The Nanjya Inam Mcl preferred appeal to the Dist Court, Mysore but appeal was dismissed & the order of the Court Confirmed on 29 8 1943

The grounds in this case are also like in the above Hajee Sayab A K Sait case,

The Mcl for the arrears of Inam amounting to Rs 160/- due from the year 1935-36 to the end of 1942-43 at Rs 20/- per annum & seized the goods of the Essa Saut at Nanjy

This is the cause of action in both the above cases the amount involved was Rs 160, in both of which decreed in the Dist Court The amount has to be remitted to by the Mcl the parties concerned

The Mcl has, therefore, requested means Remit a sum of Rs 160/- each to Hajee Ali K Saut & Co & Mr Hajee Essa Saut Mysore

The D.C. recommends the proposal

Sanction

Pass Memorandum with 2 draft S.O.s Sanctioning

21/3

Memorandum of certain amounts due to Mandya Town Municipal Council from messrs Haji Md Essa Sait & another Sait & Co

5395/ Mr D C Mandya

Has recommended for sanction of Rs 16 each in five of these two cases of remission amounting to

Haji Mahomed Essa Sait & Messrs Haji Mahomed Abdulkarim Sait of Mysore & from whom the Mandya Municipal Council has received the above amount as shop tax for the years 1935-36 to 1941-42

7663/ 28/3/45 The Collector held that the levy & recovery of the tax was illegal. Hence the amount has to be refunded according to the decrees of the Courts in both the cases. Opinion of Govt Pleader Law may be obtained

Law 28-3-45

Dir of L S G Law

30 3 45

Govt Order 34-45-33 dt 31-3-45

CERTIFIED TRUE COPY
FOR L S G & P H
Date 28 3 45
No 7447

TYPED
COMPARED
SENT

.M 98-44-25

No. 45-C 1315/44

Office of the Deputy Commissioner,
Mandya District,
Mandya, Dated, 8th Febr[illegible] 1944

5339

From

Mir Safdar Hussain, Esq
Deputy Commissioner, Mandya.

To

C Narayanaswami Naidu, Esq., B A., B L.,
Legal Remembrancer & Secretary to Government
of Mysore, Law Department, Bangalore.

Sir,

Re Suit for the recovery of the Mohtarfa tax due from Messrs Haji Mohamed Issa Sait of Mysore in R A 69/40 on the file of the Additional - Subjedge, Mysore,

****

In enclosing herewith the connected records received from the President, Town Municipal, Mandya, with his No.C 101/43, dated 30th January 1945, on the above subject, I have the honour to state that the Additional Sub Judge at Mysore has upheld the decision of the lower Court against the appeal preferred by the Mandya Town Municipality and has ordered in R A 69/40-41 that the levy of tax from 35-36 to 42-43 at Rs 20/- per annum instead of Rs 160/- is illegal.

The Municipal Council after considering the opinion of the Municipal Advocate, have resolved on 5-1-1944, that this amount may be remitted

as the amount to be remitted is beyond the powers of sanction of the Municipal Council

15339/L

[illegible] Council, I request that sanction may be [illegible] to the refundation of the said sum of Rs 130/- the record [illegible]

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Nandya District

Extract from the proceedings of the Municipal Council meeting held on 30th December 43 at 9-30 Am - and Continued meeting at 6 pm on the same day - in the Town Hall Mandya

Present No 15 Absent 4 Vacant 2

Subject No 24 ಮಂಡ್ಯ ನಗರಸಭೆಯ ವ್ಯಾಪ್ತಿಯಲ್ಲಿರುವ ಮಂಡ್ಯ ಮೈಸೂರು ಹೆದ್ದಾರಿಯ ಪಕ್ಕದಲ್ಲಿ ಸರ್ವೆ ನಂ 6/1 ರಲ್ಲಿ ಒಟ್ಟು 4 ಗುಂಟೆ ಜಾಗವು ಅಧಿಕೃತ ಜಾಹೀರಾತು ಫಲಕಗಳನ್ನು ಹಾಕಿಸಿಕೊಳ್ಳಲು ಮತ್ತು ಪ್ರತಿ ವರ್ಷ ಬಾಡಿಗೆ ಆಧಾರದ ಮೇಲೆ ಕೊಡುವ ಬಗ್ಗೆ ಕ್ರಮ ಕೈಗೊಳ್ಳುವ ಕುರಿತು-ಉದ್ದೇಶಿತ ನಿರ್ಣಯ ಸಂ 17-13-ಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ

Resolution ಮೇಲ್ಕಂಡ ವಿಷಯದ ಬಗ್ಗೆ ಸಿಬ್ಬಂದಿಯವರು ಕೈಗೊಂಡಿರುವ ಕ್ರಮವನ್ನು ಈ ಸಭೆಯು ಒಪ್ಪಿಗೆ ನೀಡಿರುತ್ತದೆ ಮತ್ತು ಈ ಜಾಹೀರಾತು ಫಲಕಗಳನ್ನು ಅಳವಡಿಸಲು ಮಂಡ್ಯ ನಗರದ ಪ್ರಮುಖ ಸ್ಥಳಗಳಲ್ಲಿ ಸೂಕ್ತ ಜಾಗವನ್ನು ಗುರುತಿಸಿ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಸೂಚಿಸಿದೆ.

ಸಭೆಗೆ ತಿಳಿಸಿದೆ
ಅಧ್ಯಕ್ಷರು
ನಗರಸಭೆ

(ಸಹಿ) ಅಸ್ಪಷ್ಟ
ಪೌರಾಯುಕ್ತರು
ನಗರಸಭೆ ಮಂಡ್ಯ

Extract from the proceedings of the Municipal Council meeting held on 5th January 44 (adjourned Special meeting) at 9 30 Am in the Town Hall Mandya

Present 9 Absent 10 Vacant 2

Subject No 240 ಮಂಡ್ಯ ಮದ್ದೂರು ಮೈಸೂರು ಹೆದ್ದಾರಿಯ ಪಕ್ಕದಲ್ಲಿ ಸರ್ವೆ ನಂ 6/1 ರಲ್ಲಿ ಒಟ್ಟು 4 ಗುಂಟೆ ಜಾಗವು ಅಧಿಕೃತ ಜಾಹೀರಾತು ಫಲಕಗಳನ್ನು ಹಾಕಿಸಿಕೊಳ್ಳಲು ಮತ್ತು ಪ್ರತಿ ವರ್ಷ ಬಾಡಿಗೆ ಆಧಾರದ ಮೇಲೆ ಕೊಡುವ ಬಗ್ಗೆ ಕ್ರಮ ಕೈಗೊಳ್ಳುವ ಕುರಿತು

Resolution ಎಲ್ಲಾ ನಗರಸಭಾ ಸದಸ್ಯರುಗಳ ಅಭಿಪ್ರಾಯದಂತೆ ಮಂಡ್ಯ ನಗರದ ಪ್ರಮುಖ ಸ್ಥಳಗಳಲ್ಲಿ ಜಾಹೀರಾತು ಫಲಕಗಳನ್ನು ಅಳವಡಿಸಲು ಸೂಕ್ತ ಜಾಗವನ್ನು ಗುರುತಿಸಿ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಸೂಚಿಸಿದೆ ಮತ್ತು ಸಂ 17-13-ರಲ್ಲಿ ಮಂಡಿಸಿರುವ ಪ್ರಸ್ತಾವನೆಯಂತೆ ಪ್ರತಿ ಚದರ ಅಡಿಗೆ ರೂ 1/- ರಂತೆ ಬಾಡಿಗೆ ನಿಗದಿಪಡಿಸಿ

ಪ್ರ.ಸ.

Extract from proceedings of the Assessee
Committee meeting held on 5th June 43
at 9 AM in the Town Hall Chamber
Present
Vacant.

12

Office of the Deputy Commissioner,
14/44-45 and District,
Mandya dated 7th, February, 1945.

5395

To Mir Safdar Hussain, Esq., B.A.,
Deputy Commissioner, Mandya.

C. Narayanaswami Naidu, Esq., B.A., B.L.,
Legal Remembrancer & Secretary to Govt
of Mysore, Law Department, Bangalore

Sir,

Re - Suit for the recovery of Mohatafa shop tax due from H. Haji Ayub Abdull Karim Sait of Mysore in R.A. 19/40-41 on the file of the Sub Judge's court, Mysore

---

In enclosing herewith the connected records from the President, Town Municipal Council, Mandya with his letter No. C.C. 406/42 dated 28-1-45 on the above subject, I have the honour to state that the Sub Judge in Mysore has upheld the decision of the lower court, against the appeal preferred by the Mandya Town Municipality and has ordered in R.A. 19/40-41 that the levy of tax from 35-36 to 42-43 at Rs. 20/- per annum amounting to Rs. 160/- is illegal

The Municipal Council after considering the opinion of the Municipal Advocate have resolved on 5-1-44 that this amount may be remitted as beyond the powers of sanction of the Municipal Council. I request that sanction may kindly be obtained to the remission of the sum of Rs. 130/-. The records accompany.

I have the honour to be,
Sir,
Your most obedient servant,

K. Narayana Murthy
Treasury Assistant Commissioner
Deputy Commissioner,
Mandya District
Absent from Headquarters

RRV/-

Remittance of a sum of Rs 160/- due to The Mandya Income derived from Messrs Haja Mahmed Issa Saut of Mysore".

"Remittance of Rs 160 due to the Mandya Municipal Council by Messrs Haja Tayab Abdulla Kasim Saib of Mysore".

L-8754 dt 2/3/41

The S.C, Mandya Taluk,

Sir,

With reference to your letters No A5-C 1615/41 dt 8 2 41 and No A5 C 1614/41-41 dt. 9 2 41 respectively on the above subjects, I am directed to state that the Case Numbers cited in the Covering letters do not tally with those given in the Copy of the decree & of the Instalment Saut as enclosed herewith the letters are, accordingly, returned, for re-transmission after rectifying the discrepancy

Yours

G R S App F VI—G 2]

SUBJECT

M 98-44-30 14

Office of the Deputy Commissioner,
Kardya District,
Dated, Kandya, the 9th March 45

GEN & P. C. 5945

From

H. Gilfan Hussain, Esqr., B.A.,
Deputy Commissioner, Kardya District,
Kandya

To

Khan Sahib Abdulla, B.A., A.M.,
Secretary to Government of Kardya,
Law Department, Kandya.

Sir,

Re remission of sale of Rs 100/- and 150/- due to Kardya Town Municipal Council, in respect of Agricultural land sold to Haji Sayad Abdulla Yarmohamed.

With reference to your letter No 1375 dated 2nd March last on the above subject, and in continuation to my letter of even date, I have to submit the records to effect certain corrections, I have to return herewith to retransmit the same after attending to the needful.

I have to be,
Sir,
Your most obedient servant
Ag. Assistant Commissioner,
Deputy Commissioner,
Kardya District
absent from Kandya

G R S App F VI—G 2]

SUBJECT

Diary No of letter replied to ..

General and Revenue Secretariat

( )

the *194*

Date of issue 4/4/ 1945

Signed by M. G. Rao

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette Kannada Part ?

Section MI

File No 98-44

Serial No 29

Proceedings of the Government of His Highness the Maharaja of Mysore

Read— Correspondence ending with letter No A-5-C 1615/44 dt 9-3-45 from the Deputy Commissioner, Shimoga District requesting sanction to the remission of the Nandyal Inam cl to remit a sum of Rs 1604 in favour of Messrs Haji Mohamed Essa Sait of Mysore in connection with the recovery ~~Order thereon No~~ of arrears of Inshatalpa Shist Jain for the years beginning from 1935-1936 to 1942-43, as decreed by the Additional Subordinate Judge, Mysore, on appeal ~~by the respondents ending~~ above.

Read the letter

P. T.

L- 9910-1 4/4/43

Cancelled

List of Enclosures

Copied by

Examined by

WD 087—GPB—40 000—14 11 40

G R S App F VI—G 2]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *194*

Date of issue 4/4/ 1943

Signed by Mr Lyr Rao

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette Kannada Part ?

Section M 1

File No 98-44

Serial No 53

Proceedings of the Government of His Highness the Maharaja of Mysore

Read— Correspondence ending with letter No A5-C 1615/44-29 9345 from the Asst. Nadya Sameeking Devt requesting to the Resolution of the Nadya Munsiff to remit a sum of Rs 160/- in favour of Mr Haji Dayub Abdulla Karim Sait of Mysore, in connection with the recovery of arrears of Land Revenue for the years beginning from 1935-36 to 1942-43, as decreed by the Subordinate Judge, Mysore, on appeal

~~Order thereon—No~~

PTO

Order No. L-9912-3 4/4/44

Launched

for

for Loc & Gnrl Ls Dept

Left 25/3

2.2

Mr. Dodge Dir LSR

" Langmuir

~~Mr. Rogers H.C~~

List of Enclosures

Copied by

Examined by

WD 087—GPB—40 000—14 11 40

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read -

Correspondence ending with letter No.A5.C.1615/44 dated 9th March 1945, from the Deputy Commissioner, Mandya District, requesting sanction to the resolution of the Mandya Municipal Council to remit a sum of Rs. 100/- in favour of Messrs Haji Mohamed Issa Sait of Mysore in connection with the recovery of arrears of mohataria shop tax for the years beginning from 1935-1936 to 1942-43, as decreed by the Additional Subordinate Judge, Mysore on appeal.

ORDER NO. L-9910-1-M-98-44-29

Dated, Bangalore, the 4th April 1945.

S a n c t i o n e d.

For Secretary to Government,
Law Department.

The Deputy Commissioner, Mandya District, with records.
" Comptroller to Government of Mysore

K.M.R 3

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read -

Correspondence ending with letter No.M.C.115/44 dated 9th March 1945, from the Deputy Commissioner, Mandya District, requesting sanction to the resolution of the Mandya Municipal Council to remit a sum of Rs. 100/- in favour of Mr.Haji Tayab Abdulla Karim Sait of Mysore, in connection with the recovery of arrears of mohatarfa tax for the years beginning from 1938-39 to 1942-43 as decreed by the Subordinate Judge, Mysore, on appeal.

ORDER NO. L-9912-3-M 98-44-31
Dated, Bangalore, the 14th April 1945.

Sanctioned.

For Secretary to Government,
Law Department.

The Deputy Commissioner, Mandya District, with records.
" Comptroller to Government of Mysore

L.P.3.